**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. – 6. Canceled.

7. (Currently amended) A method for transmitting data over a random access channel by a user equipment, the method comprising:

formatting non-preamble data by at least using a convolutional encoder for transmission in a non-preamble portion;

transmitting a random access transmission having a preamble portion and the non-preamble portion; and

wherein a factor applied to the formatted ~~non-control~~ non-preamble data in the non-preamble portion differs from a gain factor applied to other data in response to a formatting of the formatted ~~non-control~~ non-preamble data with respect to a formatting of the other data.

8. (Previously Presented) The method of claim 7, wherein a transmission power level of the preamble portion differs from the non-preamble portion.

9. (Previously Presented) The method of claim 7, wherein the preamble and non-preamble error encoding gains are a result of processing the data packet with a first and second convolutional encoder, respectively.

10. (Previously Presented) The method of claim 9, wherein the first convolutional encoder is a 7/8 convolutional encoder and the second convolutional encoder is a convolutional encoder in the range of a 1/3 to 1/2 convolutional encoder.

11. (Previously Presented) The method of claim 7, wherein the preamble processing gain is a first spreading factor and the non-preamble processing gain is a second spreading factor.

12. (Previously Presented) The method of claim 7, wherein the random access channel is a common packet channel.

13. (Currently amended) A user equipment (UE) for transmitting over a random access channel, comprising:

a convolutional encoder for formatting non-preamble data; and

a transmitter for transmitting a random access transmission having a preamble portion and a non-preamble portion;

wherein a factor applied to the formatted ~~non-control~~ non-preamble data in the non-preamble portion differs from a gain factor applied to other data in response to a formatting of the formatted ~~non-control~~ non-preamble data with respect to a formatting of the other data.

14. (Previously Presented) The UE of claim 13, wherein a transmission power level of the preamble portion differs from the non-preamble portion.

15. (Previously Presented) The UE of claim 13, wherein the preamble and non-preamble error encoding gains are a result of processing the data packet with a first and second convolutional encoder, respectively.

16. (Previously Presented) The UE of claim 15, wherein the first convolutional encoder is a 7/8 convolutional encoder and the second convolutional encoder is a convolutional encoder in the range of a 1/3 to 1/2 convolutional encoder.

17. (Previously Presented) The UE of claim 15, wherein the preamble processing gain is a first spreading factor and the non-preamble processing gain is a second spreading factor.

18. (Previously Presented) The UE of claim 13, wherein the random access channel is a common packet channel.